

# Office Action Summary

Application No.

09/737,400

Applicant(s)

AGRAWAL ET AL.

Examiner

Khawar Iqbal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3,6,8-10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scholefield et al (US 6216006) and further in view of Hiroshi et al (EP 0981224 A1).

3. Regarding claims 1, 8 and 17 Scholefield et al teaches a method for reserving resources in a wireless network, said method comprising the steps of (abstract):

monitoring a resource to obtain a resource value (abstract);

estimating resources needed for radio layer based on said monitored resource value (col. 4, lines 6-32); and

reserving said needed resources at the radio layer based on said estimate (col. 9, lines 20-55, col.10 line 25-col.11, line 16, figs. 6,7 and 9). Scholefield et al does not specifically teach radio independent layer and estimating resources for radio independent layer.

In an analogous art, Hiroshi et al teaches monitoring radio dependent layer and radio independent layer (col. 9, lines 20-55, col.10 line 25-col.11, line 16, figs. 6,7 and 9). The traffic control involves a network including two resources (radio dependent and independent layers) shared by users, and a subscriber exchange (670). The first

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common resource a radio base station (650) in a mobile radio network, performs traffic control of the data transmitted to the subscriber exchange through the second common resource e.g. a transmission channel between the radio base station and the exchange. Data sent in bursts with a particular period is subjected to appropriate control in such a manner that the cumulative amount of data transmission in the traffic-monitoring period in consideration of the particular period does not exceed an allowable amount of transmission. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Scholefield et al by specifically adding features in order to enhance system performance of radio dependent layer purpose of traffic control method capable of preventing shared resources in the network from being wasted by positively carrying out the traffic control in the right place in the network and this ensures traffic control with effective use of the common resources of the network as taught by Hiroshi et al.

Regarding claim 2 Scholefield et al teaches wherein said monitoring step further includes the step of monitoring call arrivals, resource requirement, and resource usage (abstract).

Regarding claim 3 Scholefield et al teaches updating the rate at which said estimating is done if the difference in resource usage is greater than or equal to a pre-determined value (col. 3, lines 20-65).

Regarding claim 6 Scholefield et al teaches wherein said calls are new calls originating within a cell (col.3, lines 9-18).

Regarding claim 9 Scholefield et al teaches estimating step resides at a radio-independent layer of the internet protocol (col. 1, lines 20-45).

Regarding claim 10 Scholefield et al teaches increasing the rate of said monitoring step if the difference in resource usage is greater than or equal to a threshold value (col. 4, line 49-col. 5, lines 19).

4. Claims 4,5,7,11-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scholefield et al (US 6216006) and further in view of Hiroshi et al (EP 0981224 A1) and Suard et al (5548834).

Regarding claim 4,5,7,11-16 and 18 Scholefield et al and Hiroshi et al do not specifically teach Wiener process and wherein said calls are handoff calls and new calls originating within a cell.

In an analogous art, Suard et al teaches Wiener process and wherein said calls are handoff calls and new calls originating within a cell (abstract, col. 5, lines 9-60). Radio communications system with multi-sensor receiver station and multiple packet transmitter stations, which receiver has signal processor coupled between sensor array and weight factor generator and multipliers in receiver to generate signal vector from captured data using Wiener process. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Scholefield et al and Hiroshi et al by specifically adding features in order to enhance system performance of radio layers using Wiener process purpose of ensures traffic control with effective use of the common resources of the network increasing the efficiency of system as taught by Suard et al.

**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAWAR IQBAL whose telephone number is 703-306-3015.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **BANKS-HAROLD, MARSHA**, can be reached at 703-305-4379.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2684 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

**Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.**

Khawar Iqbal



**CHARLES APPIAH  
PRIMARY EXAMINER**